

REMARKS

This Amendment is being filed in response to the Office Action mailed on October 21, 2009, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-2 and 4-10 are pending in the Application. Claims 1, 7 and 8 are independent claims .

In the Office Action, claims 1, 2, 4-7 and 9-10 are rejected under 35 U.S.C. §103(a) over non-patent Literature ("Sony/Philips") in view of U.S. Patent No. 5,732,062 to Yokoi ("Yokoi"). Further, claim 8 is rejected under 35 U.S.C. §103(a) over Sony/Philips in view of Yokoi and further in view of U.S. Patent No. 6,515,949 to Masaki ("Masaki"). The rejection of claims 1-2 and 4-10 is respectfully traversed. It is respectfully submitted that claims 1-2 and 4-10 are allowable over Sony/Philips in view of Yokoi alone, and in view of Masaki for at least the following reasons.

The Office Action states that the following recitation of claim 1 is taught by Sony/Philips, Figure II-2 (see, present Office Action, page 3, last three line to page 4, as well as the Final Office Action dated November 12, 2008, page 9, line 10, emphasis added):

a last pulse in the sequence of pulses for writing the odd mark has a period that is a first period difference $\Delta 1p$ longer than a last pulse in the sequence of pulses for writing the even mark,

a gap preceding the last pulse in the sequence of pulses for writing the odd mark has a period that is a first gap difference $\Delta 1g$ longer than a gap preceding the last pulse in the sequence of pulses for writing an even mark,

the first gap and first period differences $\Delta 1g$ and $\Delta 1p$ have an unequal duration not equal to T ...

However, it is respectfully submitted that reliance on Sony/Philips for showing this feature is misplaced. A close inspection of Figure II-2 of Sony/Philips reveals that periods of all pulses for writing the even and odd marks are identified by " T_{mp} ". That is all except for the last pulse of the pulses for writing the odd marks, which is identified by " $T_{mp} + \Delta_1$ ". It is clear that this pulse is marked $T_{mp} + \Delta_1$ because that pulse is a period difference " Δ_1 " longer than the last pulse in the sequence of pulses for writing the even marks. Also, the gap preceding the last pulse in the sequence of pulses for writing the odd marks is the period difference " Δ_1 " longer than the gap before the last pulse in the sequence of pulses for writing the even marks. Thus, in Sony/Philips, the gap and the period differences are equal to " Δ_1 ".

Thus, because only one variable " Δ_1 " is used by Sony/Philips to indicate the period and the gap differences, as is readily apparent to a person of ordinary skill in the art, the gap differences in Sony/Philips are clearly equal. That is contrary to claim 1 that recites "the first gap and first period differences $\Delta 1g$ and $\Delta 1p$ have an unequal duration not equal to T ".

It is respectfully submitted that the apparatus of claim 1 is not anticipated or made

obvious by the teachings of Sony/Philips and Yokoi. For example, Sony/Philips and Yokoi do not disclose or suggest, an apparatus that amongst other patentable elements, comprises (illustrative emphasis added) "a last pulse in the sequence of pulses for writing the odd mark has a period that is a first period difference $\Delta 1p$ longer than a last pulse in the sequence of pulses for writing the even mark, a gap preceding the last pulse in the sequence of pulses for writing the odd mark has a period that is a first gap difference $\Delta 1g$ longer than a gap preceding the last pulse in the sequence of pulses for writing an even mark, the first gap and first period differences $\Delta 1g$ and $\Delta 1p$ have an unequal duration not equal to T" as recited in claim 1, and as similarly recited in each of claims 7 and 8. Yokoi and Masaki are introduced for allegedly showing additional elements of the claims, however, Yokoi and Masaki do not cure the above discussed deficiencies in Sony/Philips.

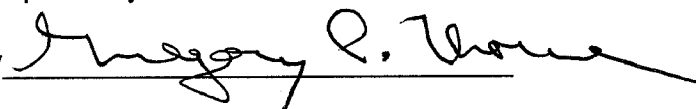
Based on the foregoing, the Applicants respectfully submit that independent claims 1, 7 and 8 are patentable and notice to this effect is earnestly solicited. Claims 2, 4-6, and 9-10, respectively depend from one of claims 1 and 7 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented

remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded. Moreover, Applicants do not concede that any of the cited references, and in particular, Sony/Philips, are prior art references against the present application. It is respectfully submitted that the claims are amended merely in the interest of furthering the prosecution and expediting consideration and allowance of the present application.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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